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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/811,987

03/19/2001

Bernd Bruchmann

12075

9596

28484 7590 01/12/2007

BASF AKTIENGESELLSCHAFT  
CARL-BOSCH STRASSE 38, 67056 LUDWIGSHAFEN  
LUDWIGSHAFEN, 69056  
GERMANY

EXAMINER

SERGEANT, RABON A

ART UNIT

PAPER NUMBER

1711

MAIL DATE

DELIVERY MODE

01/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

09/811,987

Examiner

Rabon Sergent

Applicant(s)

BRUCHMANN ET AL.

Art Unit

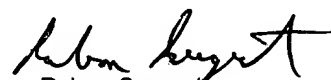
1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 28 September 2006 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Please see attached form, PTO-90C, concerning the proposed amendment of November 24, 2006.

  
Rabon Sergent  
Primary Examiner  
Art Unit: 1711

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT
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PAPER
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20070110

DATE MAILED:


**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The amendment filed November 24, 2006 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

The proposed amendment does not obviously place the application in condition for allowance, in accordance with the requirements set forth within MPEP 1214.07, because the proposed amendment raises issues of indefiniteness under 35 USC 112, second paragraph. Specifically, the proposed amendment sets forth two contradictory limitations within claim 1, wherein the two contradictory limitations are as follows: (1) component (a) is required to have functionalities having the same reactivity toward the functional groups of component (b), due to the recitation of polyisocyanate species having isocyanate groups having the same reactivity and (2) at least one of components (a) or (b) has functional groups having differing reactivities toward the functional groups of the other component. Therefore, the proposed claim language sets forth contradictory requirements, wherein the reactivities of the isocyanate groups of component (a) are the same and wherein the reactivities of the isocyanates groups of component (a) may be different. This position is not considered to be a new issue, because, previously, dependent claim 3 set forth the requirement that component (a) has functionalities having the same reactivity toward the functional groups of component (b), due to the recitation of polyisocyanate species having isocyanate groups having the same reactivity; therefore, previously, dependent claim 3 further limited the requirement of independent claim 1 that (a) or (b) have the groups having the differing reactivities, by essentially requiring that component (b) has the groups having the differing reactivities.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.

  
Rabon Sergent  
Primary Examiner  
Art Unit: 1711